

ARTICLE 3

GENERAL

3.1 Plan Thought Not to Require Approval

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, shall submit a reproducible Mylar and four (4) contact prints of his plan and one (1) copy of application, Form A (see Appendix), together with a nonrefundable fee* payable to the Town of Topsfield, to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered or certified mail, a notice with the Town Clerk stating the date of submission for such determination accompanied by a copy of said application and describing the land sufficiently for identification. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt to the person who delivered such notice.

Said plan shall be of minimum dimensions of eight and one-half inches by eleven inches (8 1/2 x 11") or a maximum size not to exceed twenty-four inches by thirty-six inches (24" x 36") and shall contain the following information:

- a. Identification of the plan by name and address of owner of record and location of the land in question, cross-referenced to page and parcel number of the Assessors' Maps.
- b. The statement "Approval Under Subdivision Control Law Not Required," and shall provide sufficient space for the date and the signatures of all five members of the Planning Board.
- c. Zoning classification and location of any Zoning District Boundaries that may lie within the locus of the plan.
- d. In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the Applicant shall be shown.
- e. Notice of any decision of the Zoning Board of Appeals, including but not limited to variances and exceptions regarding the land or any buildings thereon.
- f. List of abutters from latest available Assessors' records unless the Applicant has knowledge of any changes subsequent to the latest available Assessors' records.

* \$100 per application

\$100 per lot, parcel created, or change of lot line.

- g. Distance to the nearest road or to other permanent monument.
- h. Location of all existing buildings, including setback and side and rear yard distances to lot lines.
- i. Approximate locus of wetland boundaries as indicated in Wetlands and Wildlife Resources Map and any amendments thereof. See Zoning By-Law 4.08b.
- j. A locus map at a scale of one inch equals six hundred feet (1" = 600') showing the land in question in conjunction with other roadways and properties. A key map at a scale of one inch equals two hundred feet (1" = 200'), showing the same information as the locus map.
- k. The Engineers seal and signature shall be on the plan.

If the Board determines that the plan does not require such approval, it shall, without a public hearing, and within twenty-one (21) days of formal submission, endorse or cause to be endorsed

on the reproducible copy of the plan by a person authorized by it the words "Planning Board approval under the Subdivision Control Law not required" or words of similar import with appropriate name or names signed thereto, and such endorsements shall be conclusive on all persons. The Board may add to such endorsement a statement of the reasons approval is not required. Such endorsement shall not be withheld unless such plan shows a subdivision. Said plan shall be returned to the Applicant and the Board shall notify the Town Clerk of its action.

If the Board shall determine that in its opinion the plan requires approval under the Subdivision Control Law, it shall, within 21 days of submittal of said plan, give written notice of its determination to the Town Clerk and to the Applicant and return the plan to the Applicant. The Applicant may submit a Definitive Plan for approval as required by these Rules and Regulations or he may appeal from the determination of the Board in accordance with SECTION 81-BB of the Subdivision Control Law.

If the Planning Board fails to act upon the plan or fails to notify the Town Clerk or the Applicant of its action within 21 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith the Town Clerk shall issue a certificate, to the same effect. The Plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the Board, or in case of the certificate, by the Town Clerk, to the Applicant.

3.2 Subdivision

No person shall make a subdivision of land in the Town unless he has first submitted to the Planning Board for its approval a Definitive Plan of such proposed subdivision, showing the lots into which such land is to be divided and the ways already existing or which are to be provided by him for furnishing access to such lots, and the Board has approved such plan in the manner required by these Rules and Regulations.

After the approval of a Definitive Plan, the location and width of ways shown thereon shall not be changed unless the plan is amended accordingly as provided in SECTION 81-W of the Subdivision Control Law, but the number, shape, and size of the lots shown on a Definitive Plan so approved may, from time to time, be changed without action by the Board, provided every lot so changed still has frontage on a public way or way shown on a plan approved in accordance with the Subdivision Control Law of at least such distance, if any, as is then required by the zoning or building by law of the Town for erection of a building on such lot, and if no distance is so required, has such frontage of at least 20 feet (20').

3.3 Effect of Prior Recording of Subdivision Land

The recording of a plan of land within the Town in the Registry of Deeds in Essex County prior to the effective date of the Subdivision Control Law in the Town of Topsfield, showing the division thereof into existing or proposed lots, sites, or other divisions and ways furnishing access thereto, shall not exempt such land from the application and operation of these Rules and Regulations except as specifically exempt by SECTION 81-FF of the Subdivision Control Law.

3.4 Time for Completion

For each subdivision or each stage of a staged subdivision, the construction of all ways and the installation of all required municipal services shall be completed within eighteen (18) months of the date of receipt of bond or surety by the Board or within two (2) years of the date of approval of the Definitive Plan by the Board, whichever is earlier. Failure to do so shall automatically rescind approval under covenant conditions or rescind approval subject to SECTION 81-W of the Subdivision Control Law for performances secured by bond or deposit of money or negotiable securities. The Board may, at its discretion, grant a time extension to the Applicant.

3.5 Limitation of One Building on Any Lot

Not more than one building designed or available for use for dwelling purpose shall be erected or placed or converted to use as such on any lot in a subdivision in the Town of Topsfield without the written consent of the Board. Such consent may be conditional upon the providing of

adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision. Submissions of site plans subject to this SECTION shall be in accordance with the Town of Topsfield Zoning Bylaws.

3.6 Criteria for Board Action

In considering any subdivision plan, the Board shall be guided by the needs of the Town, the purpose of the Subdivision Control Law, and the highest and best use of the land being subdivided.

